

**NORTH CAROLINA ALCOHOLIC BEVERAGE CONTROL
COMMISSION MINUTES
NOVEMBER 9, 2001**

The following narrative and summary highlights actions taken by the North Carolina Alcoholic Beverage Control Commission at its regular meeting on November 9, 2001. The meeting was tape recorded and the tape is on file at the ABC Commission/Legal Division.

ROLL CALL

Acting Chair Ann Scott Fulton was present for the meeting, along with Commission Members Mike Joyner and Ricky Wright.

SERVICE AWARDS

The Chairman recognized several ABC employees for their service to the Commission and presented each with a certificate along with gifts selected by each employee. The following employees received awards: Congratulations to all!

LoRita Pinnix	5 years	Charm
Tami Clifton	15 years	Clock Radio
Michael Herring	20 years	Watch
Guy Potts	25 years	Clock
Nancy Johnson	25 years	Ring
Elizabeth Baker	35 years	Luggage

MINUTES OF OCTOBER 12, 2001 MEETING

The Chairman asked both Commission members if they had any corrections or additions regarding the Commission agenda for the October 12, 2001, meeting. Neither Commission member had any corrections or additions. The Chairman made a motion to approve and waive the reading of the minutes into the record. Commissioner Joyner moved the minutes be approved seconded by Commissioner Wright. So Ordered.

EXECUTIVE ORDER REGARDING CONFLICTS OF INTEREST

As required by Executive Order Number One (formerly Executive Order 127), the Chairman asked Commissioners Joyner and Wright if there were any known conflicts of interest or any conditions or facts that might create the appearance of a conflict of interest with respect to any matters on the agenda. The Chairman stated she found no conflicts of interest with regard to herself. Commissioners Joyner and Wright stated they had reviewed the agenda and found no conflicts of interest. So Ordered.

HEARING CASES - 60 listed.

I. OFFERS IN COMPROMISE

Chief Deputy Counsel Fred Gregory stated there were no contested cases, and there was no one present to speak on behalf of any of the cases listed on the agenda.

The Chairman asked if there were any carryover cases. Cases #34 and #55 will be continued to the December 14 agenda. Cases #47 and #53 now have signatures on the Offers in Compromise. Commissioner Wright had questions regarding #8, #39 and #55. Commissioner Joyner had no questions concerning any cases.

Neither the Chairman nor the Commission members had any questions or comments concerning any other cases as submitted. Commissioner Wright made a motion that all cases be approved and ratified with the exception of #34 and #55. Motion seconded by Commissioner Joyner. So ordered.

- II.** ABC Store Location – Moore County. Administrator Michael Herring presented information regarding an ABC store relocation in Pinehurst, NC. ALE District VI conducted an investigation concerning the store relocation and advised that the Moore County ABC Board is requesting approval to relocate Store #2 from 804 Market Square, Pinehurst, to Hwy #5 in the Sandhills Township. The store relocation is properly zoned and is in accordance with ABC Commission regulations. A sign regarding notice of intent to open an ABC store has been posted over 30-days. Mr. Herring spoke with Pamela Smith, Office Manager, and advised there were no financial conflicts of interest, and no objections received, verbal or written. Mr. Herring made a recommendation to approve the location. Commissioner Joyner made a motion that the store relocation be approved, seconded by Commissioner Wright. So ordered.

- III.** Request for Waiver Exemption – Dean Ogan and Kevin Summers – Assistant Administrator Doyle Alley advised Attorney Jonathan Fine requested a continuance in order to gather and prepare all information regarding this exemption. Assistant Administrator Alley requested this exemption be continued to the next Commission meeting.

Request for Waiver Exemption – Darrel Tolson – Assistant Administrator Alley advised documentation was just received in the office several days prior to the Commission meeting and there was not ample time to review the documents and requested a continuance.

Request for Waiver Exemption – Mark Green – Assistant Administrator Alley stated Mr. Green wanted to run a microbrewery, that he had financial interest in Chile Verde but would not sell to Chile Verde and asked that the Commission approve this exemption. The Chairman made a motion that the staff prepare an exemption similar to Hops and Hamms for review, seconded by Commissioners Wright and Joyner. So ordered.

OTHER BUSINESS

The Chairman stated the legislature had ratified the Fake ID bill and one another bill is still pending which contains several new special provisions.

The Chairman announced that the next Commission meeting would be held on December 14, 2001.

No other business, new or old, to be heard. Commissioner Wright made a motion to adjourn this meeting seconded by Commissioner Joyner. So ordered.

WITH NO further business, the meeting adjourned.

Ann Scott Fulton, Acting Chair
N.C. Alcoholic Beverage Control Commission

Respectfully submitted by

Theresa D. Avery, Legal Division

11/19/01